

North Smithfield Zoning Board

July 15, 2008

Kendall Dean School

83 Greene Street, Slatersville, RI

The Chair called the meeting to order at 7:00 pm.

I. Roll Call

Present: Chair Vincent Marcantonio, Bill Juhr, Dean Naylor, Steven Scarpelli, Guy Denizard, Stephen Kearns, and Mario DiNunzio. Also present were Building Official Bob Benoit, Assistant Solicitor Bob Rossi, and a court stenographer from Allied Court Reporters.

II. Disclosure of no compensation or pension credits received by the board members.

III. Approval of Minutes—June 17, 2008

Mr. Kearns made a motion to approve the minutes of June 17, 2008. Mr. Scarpelli seconded the motion, with all in favor.

IV. Continued application of Joe Jenks (owner Mary Zurowski), requesting to construct a building to be used as a religious institution, which requires a Special Use Permit, per section 5.4.4, subsection 5. Locus is 1054 Victory Highway, Plat 1, Lots 141 & 151.

The Chair announced that the voting members for this application are Mr. Jühr, Mr. Kearns, Mr. Marcantonio, Mr. Scarpelli, and Mr. Denizard. John Shekarchi, attorney for the applicant, addressed the Board. Steven Barrows was sworn in by the court stenographer. Mr. Shekarchi stated that the applicant is currently under contract to buy the property. They propose to build a building and car port, subject to approval. Mr. Shekarchi described property and access to municipal sewers. He stated that they have brought expert witnesses to attest that all standards will be met. Mr. Barrows gave a history of the congregation and described what they intend to do with property.

He stated that it is a quiet congregation, and described the building as an education center. He stated that their activities would pose no noise disturbance or any other type of disturbance to the neighborhood. There is a history of building congregations in residential areas. The proposed building would allow three congregations to join together. Two are from Woonsocket and one is based in Douglas, Massachusetts. Mr. Barrows stated that he feels that any concern with interference with the normal function of the neighborhood can be dispelled.

Mr. Shekarchi submitted photos of kingdom halls in area in residential neighborhoods in other parts of the state (Coventry, Lincoln, and Riverside) to the Board. These photographs were marked exhibit P1 and consisted of 5 cards with photographs of buildings.

Mr. Scarpelli asked the applicant to describe normal weekly activities.

Mr. Barrows stated that at the moment there are 5 meetings during the week, held on 3 different days. By January, they expect to cut the use by 2/3. Each congregation will go to the building once during the week on a weeknight. There may be small groups meeting at various times (approximately 12 people). Larger meetings average 100 people at each of the 3 meetings. The three congregations will each also meet once on Sunday. Mr. Marcantonio stated that the Bryant Associates report seems to have different information. Mr. Naylor asked under whose direction the change in scheduling is made and how often the schedule is changed. Mr. Barrows stated that it is done under the direction of the United States Branch of Jehovah's Witnesses, and changes are very unusual.

Mr. Shekarchi stated that if the Special Use Permit is granted, the Planning Board wants to see the applicant back to for site plan review. They also need to discuss wetlands permits, RIDOT permits needed, and other necessary permits. Edward Pimental was sworn in by the court stenographer. Mr. Kearns made a motion to accept Mr. Pimental as an expert in land use and planning. The following were marked as exhibits: P2) resume of Edward Pimental, P3) report dated May 27, 2008. Mr. Pimental reviewed the information in his report and elaborated on the findings. He stated that he has worked on plan review for various religious institutions, some much larger than what is proposed. He said that at 4500 sq. ft., the building is

basically the size of 2 homes attached, which is a small scale building. He stated that they try to keep each kingdom hall small. He stated that the congregation has been established in North Smithfield for well over 35 years. As the area became more commercial, they relocated temporarily in Woonsocket. Mr. Pimental stated that he had reviewed in plans and performed an analysis of town's comprehensive plan. He stated that the request is consistent with the comp plan, especially in that that town is comprised of villages, and religious institutions are prominent in villages. All religious institutions need a special use permit, no matter where they are located. He stated that the building takes up only 2.7% of entire property. A minimum of 78% of the property will remain in its natural vegetative state. There will be no carnivals, feasts, or activities, other than an occasional funeral or wedding. He outlined the neighborhood analysis, which is detailed on p. 5 of his report (P3). He also conducted an analysis of the town's Zoning Ordinance and no variances are requested. He stated that North Smithfield's ordinance is unique, as it gives additional standards than those required by the state. He referred to p. 7-8 of his report in reviewing the request with regard to the zoning ordinance and the comp plan. The comprehensive plan states religious institutions strengthen a village. The Chair stated the times of the proposed meeting listed in the report conflict with Mr. Barrows' testimony. Mr. Pimental stated that the report reflected the present information at time of report.

Mr. Kearns asked how the capacity would fluctuate if in the future the

congregations took on more members. Mr. Barrows stated that the capacity may fluctuate on weekly basis from 65-85 people, with up to 100 in each congregation. The congregations like to keep a small building, and usually try to maintain the sizes of the congregation at a community level. Mr. Barrows stated that the way it usually works is that they would form another congregation, in order to keep the crowds the same, but add more meetings if necessary. He added that it is not practical to add a 4th congregation at this center. The intent is to keep it at 3, and if a 4th is formed, they would meet at another facility.

Mr. Jühr stated that if the application is approved, the schedule can be changed at will, but the capacity of the building will be determined by the fire code. He asked Mr. Benoit if he knew the capacity for a 4500 sq. ft. building. Mr. Benoit stated that he didn't know off-hand, but the fire marshal will provide the numbers. Mr. Jühr requested to get that information from the fire marshal.

Engineer Michael Desmond was sworn in by stenographer to provide a traffic impact analysis. He submitted his resume, which was marked as exhibit P4 and summarized his qualifications for the Board. Mr. Scarpelli made a motion to accept Mr. Desmond as an expert witness. Mr. Kearns seconded the motion, with all voting aye. Marked as exhibit P5 was a report by Bryant Associates. Mr. Desmond stated that the property proposes safe access and ingress, and continued to give a summary of his report. He stated that it

would not alter the general character of the area. He elaborated on his investigation and findings and discussed how the investigation was conducted, the data collection, and the analysis. Mr. Desmond referred to Table 1 of the report and emphasized that these are conservative numbers, not what they anticipate will actually occur at the site. They based the numbers on simultaneous entry and exit to the site, yet the services will most likely be scheduled so that there will be enough of a gap between services that cars will not be entering and exiting the site at the same time. Even with these conservative numbers, the level of service would be a D on Sundays, which Mr. Desmond said is an acceptable level of service.

Mr. Desmond also discussed the safety analysis of the traffic. He stated that the sight distance exceeds the requirement. He stated that in the last 3 ½ years, there have been 25 accidents in the area. He said that this is a low number of accidents and there are no unusual conditions in the area that would be worsened by the additional traffic generated. His conclusion is that there will be no reduction in safety.

Mr. Desmond stated that the ingress and egress, as well as the off-street parking are adequate. He also stated that there will be no noise interference to the neighborhood caused by the additional traffic. He submitted the latest report listing the 25 accidents in the area to the Board. This report, dated June 4, 2008, was marked as exhibit P6 (Traffic Analysis/Impact Analysis). The Chair requested a

detailed report on specific accidents. Mr. Desmond stated that he has that information in his office and will submit it to Mr. Benoit.

Mr. Denizard questioned whether the traffic impact study took into account the distance between the crest of the hill on Victory Highway to the entrance of the proposed site. He is concerned that it will create problems with stopping distance. Mr. Desmond stated that the study includes vertical alignment of the road, and they did measure the sight distance by walking down the road. According to regulations by ASHTO, the sight distance is sufficient. Mr. Denizard stated that ASHTO's regulations have been wrong in the past. Mr. Desmond stated that the traffic study must be conducted using ASHTO design standards. He stated that the bulk of the accidents in the area have occurred at the plaza and near Dunkin' Donuts. Very few accidents have occurred in the area of the property, which Mr. Desmond said does not indicate a problem with the sight distance. Mr. Denizard replied that conditions in that area will change with the additional traffic generated. Mr. Desmond stated that based on standards and analysis, there is sufficient sight distance. Mr. Naylor asked what the exact sight distance is at the site. Mr. Desmond stated that to the west it is 450 ft. and to the east, even with trees not trimmed, it is 620 ft. Mr. Naylor asked what the stopping distance is at 35 mph. Mr. Desmond stated that although the speed limit is 35 mph, in order to take into account the worst case scenario, they conducted the analysis at 45 mph, at which speed the stopping distance is 425 ft. At 35 mph, the stopping distance is between 325

and 350 ft.

Mr. Naylor referred to Appendix A of the traffic study, which details traffic counts on used during the study. He stated that if you add the predicted additional traffic (50-60 more cars) in the area at the times of the meetings (weeknights between 6:30 and 9:30 pm), he questions whether the impact would be negligible. Mr. Desmond stated that the additional traffic averages to 1 car every 72 seconds, which is a very low volume of traffic. Mr. Naylor stated that he often leaves a restaurant in the area at that time of night and has a hard time exiting the parking lot. Mr. Desmond stated that the volume of the traffic exiting will be higher on Sunday and will take longer for cars to exit the property. The average delay will be 28 seconds, which gives a level of service D. He stated that this is an acceptable level of service, and the impact will be on the cars leaving the property, not the traffic on Rte. 102. Mr. Naylor stated that he has visited the site and found that there is not a lot of time to get out, which he believes creates a dangerous situation. Mr. Desmond stated that all factors have been taken into account in coming up with the 325 ft. stopping distance. Mr. Naylor stated that he would hate to find out in 3 years that this site has the 3rd highest accident rate in the area. Mr. Desmond stated that he does not see it being a safety issue.

The Chair stated that he shares Mr. Naylor's concerns and thinks the spot is very dangerous, due to the incline to the west on Victory Highway. He is concerned with the 324 trips in and out of the site on

Sundays, which is quite a lot of traffic, especially on Rte. 102. Mr. Desmond stated that the trips are spread out over a 9-hour period, but the Chair stated that it is actually a 3-hour period.

Mr. Kearns asked if the analysis factors in future growth in the area and potential commercial properties that could be used. Mr. Desmond stated that using the guidelines from the Institute of Traffic Engineers, traffic impact analysis thresholds for this size property only look at the build-out year, so other potential commercial properties in the area were not factored in. Mr. Kearns stated that traffic is a crucial issue and asked if they would consider any mitigating factors as a condition of approval, i.e., traffic light, traffic cop, 3rd lane for turning. Mr. Desmond stated that the project and impact study will have to be submitted to the DOT for approval as part of the physical alteration permit. The DOT will review the plans in detail to see if anything is needed. He stated that a signal is not warranted, but there is enough room to add a painted left-turn lane. As far as police coverage, it would have to be worked out between the police and the congregation. In Mr. Desmond's opinion, there is no need for any of these at the site. Mr. Scarpelli asked if a potential Super Stop & Shop at a nearby parcel was taken into consideration in the traffic impact analysis. Mr. Desmond stated that any development would be speculation, and using the ITE guidelines, only the build-out year is taken into consideration for background traffic on a project of this size. Mr. Scarpelli asked if the level of service would decrease with an increase in traffic. Mr. Desmond said that it would, but would

still be level of service B, which is still a great level of service.

Mr. Jühr stated that he is concerned with traffic coming up from Slatersville Plaza into the site. He asked if the study took into consideration that everyone comes to the site at approximately the same time. He stated that he can foresee a large stack-up of cars in the lane waiting to take a left into the site. He asked how many cars they expect to be waiting to take the left and how far the back-up will be. Mr. Desmond stated that the software used in the study factors in such things, but added that not all traffic will be coming in the same direction. He stated that the study takes into account the peak hour factor (bunched traffic). He stated that the software used is the best available software, and the result is a level of service A. He said that it could be off by a second or 2, but that level of service A is basically free-flowing traffic. Mr. Jühr asked how many cars will be stacked up. Mr. Desmond stated that he is not sure of a number. Mr. Jühr stated that he expects a 15-minute period of peak traffic entering the site, which he estimates will result in 4-10 cars stacked up at the entrance. Mr. Desmond replied that if they assume 27 cars entering in a 15-minute period, there will only be 2 cars per minute or one every 30 seconds. He stated that 30 seconds is a long period of time and the volume resulting for this type of roadway is very low. He reiterated that he stands by the findings in his report.

Mr. DiNunzio stated that the assumption that 27 cars will be entering the site from each direction is unwarranted. Most traffic will be

coming from the direction of Slatersville Plaza, which will result in the need for a left turn into the site. Mr. Desmond stated that even still, he stands by his report. The Chair asked what the average age of the driver is that is factored into calculating the reaction time. Mr. Desmond stated that he is not sure what the average age is, but that the age is based on years and years of studies and accounts for the average driver. Mr. Jühr stated that he is concerned with having 4-5 cars stacked up for 15 minutes straight.

Mr. Naylor stated that the software used to model a dynamic situation tries to predict outcomes as realistically as possible, just like software used to predict the weather. He stated that this software is not always accurate and asked if Mr. Desmond had any statistics that support the confidence level of the findings of this software. Mr. Desmond stated that he could not put a number to the degree of accuracy, but that the software is constantly upgraded and tested. He stated it is a high capacity software; it is the 2004 version, which is accepted as the best tool available. Mr. Desmond said that any variations will be very minor, maybe seconds of delay, but nothing significant. He stated again that there is another level of review to be conducted by the DOT, and if there are any problems or flaws, they will be found during that review. Mr. Naylor stated that he is not a big DOT fan and asked what happens if the study is wrong. He asked Mr. Desmond if he worked on the traffic study for the mall at Smithfield. Mr. Desmond said that he had. Mr. Naylor asked if they were able to predict the backup on Rte. 44. Mr. Desmond stated that they did not

predict the level of backup and if they had, they would have designed something to mitigate it. Mr. Naylor stated that if the modeling software is wrong, the town is stuck with the situation.

Mr. Juhr summarized the discussion that the study is only as accurate as the data entered and that the Board consider their own experience as well as the professionally prepared report.

Tonya Brainsky was sworn in by the court stenographer. She submitted her resume (exhibit P7) and reviewed her credentials as a field biologist. Mr. Kearns made a motion to accept Ms. Brainsky as an expert in wetlands biology. Mr. Scarpelli seconded the motion, with all in favor. Ms. Brainsky described her analysis of the site, conducted in November 2007. She stated that the entire project is outside the 50-ft. buffer, including the well. She stated that no extraneous material or water flow will interfere with the wetlands. She stated that there will be no alteration to the surrounding area. Ms. Brainsky stated that she expects the DEM to accept the report (Biological Narrative, marked exhibit P8) as the preliminary determination application. DEM will have regulations on sediment control. Ms. Brainsky stated that there will be no adverse impact to the site. The Chair asked if Ms. Brainsky set the flags on the site. Ms. Brainsky stated that she had and that a second biologist also went out to the site to flag the wetlands in October. The Chair asked if oil/water separators should be required in the parking area. Ms. Brainsky stated that stormwater detention questions should be

answered by the engineer. She said the DEM may make a suggestion, but she does not know.

Engineer Eric Bazzett was sworn in by the court stenographer. He addressed the Board and reviewed his qualifications. The Board marked the Stormwater Management Report prepared by Mr. Bazzett as exhibit P9. Mr. Bazzett did not have a resume to submit, so the Board requested that he submit it to the Board after the meeting. Mr. Kearns made a motion to accept Mr. Bazzett as an expert witness, pending receipt of his resume. Mr. Scarpelli seconded the motion, with all in favor. Mr. Bazzett reviewed the findings of the report. He stated that there will be minimal trash/refuse generated at the site. He stated that the lights will not interfere with the neighbors. He stated that the detention basin will have a sediment forebay will trap sediment and there will be no net runoff to any abutting properties. Mr. Kearns asked if there are any screening plants planned in the landscape plan. Mr. Bazzett stated there will be a stockade fence between the parking area and the neighboring residences. He also stated that lights will be on a timer and will not be on later than 10:00 pm. Mr. Bazzett stated that to his knowledge, there is not any security lighting planned.

Mr. Scarpelli asked if the detention basin would have an oil/water separator. Mr. Bazzett stated that it is not necessary for a parking lot of this size (72 cars), with a low turnover of cars. He stated that an oil/water separator is usually added in commercial or industrial use

with a turnover of 1000 cars per day. The Chair stated that oil/water separators have been installed in town for other small businesses. He is concerned that the parking is 50 feet away from the wetlands. Mr. Bazzett stated that the sediment forebay will collect suspended solids. He stated that he would design an oil/water separator system if required as a condition of approval. Mr. Naylor asked for an explanation of the working and maintenance requirements of the catch basin. Mr. Bazzett stated that the owners will be responsible for maintenance. Mr. Shekarchi stated that a maintenance plan is part of the DEM approval. Mr. Scarpelli asked what the maintenance would require. Mr. Bazzett stated that sediment will be removed.

Mr. Denizard asked if the stockade fence would limit the lighting and noise impact to neighbors. Mr. Bazzett stated that the landscape architect will address those questions. Architect Eric Jacobsen was sworn in by the court stenographer. Preliminary Plan Set dated April 15, 2008 was marked as exhibit P10. Mr. Jacobsen described the proposed building as a one story building, with carport. The exterior will be brick with vinyl siding on the gable ends. The air conditioning unit will be placed in the back of the building to mitigate noise. The property will be well-landscaped. The building will go up using a 4-day process, complete with landscaping. The building will be 20 ft. high and set back from the road, angled slightly. Mr. Jacobsen stated that the building will not stand out in the neighborhood. A 4-ft. stockade fence will be added between the parking area and the abutters. Tall thin plantings could be added if the Board requires it.

The landscape plan calls for a variety of plants with a variety of color all year round. The interior of the building consists of a 150 person capacity auditorium, with some additional small areas, for a total capacity of 181 people. The plans will be presented to the fire marshal for additional capacity analysis and regulations. The Chair asked if a 4-ft. fence is adequate at the edge of the property. Mr. Jacobsen said it is adequate to block headlights. He stated that the fence could be extended a few feet past the parking lot. The purpose of the fence is to block headlights. The Chair stated that he does not think there is enough screening behind the building. Mr. Jacobsen stated that they could add screening plants if the Board requires it, but the back of the building is attractive, with a brick veneer, 2 doors, and 3 windows. The distance between the building and the nearest house is 37 ft. Mr. Benoit stated that the required distance is 25 ft. Mr. Juhr asked the minimum distance required from the parking area to the property line. Mr. Benoit stated that there is not minimum distance; the parking area can go up to the property line, but that a fence or buffer could be regulated.

Mr. Kearns asked about an existing gazebo shown on the landscape plan (sheet SP2). The Landscape Plan was marked as exhibit P11. Mr. Shekarchi stated that the gazebo is there without permission, but the applicant is not looking to cause problems. He stated that the plans call for anything existing on the site to be removed.

Mr. Shekarchi concluded by stating that the application is protected

by the Religious Land Use Act of 2000, which he read, and stated that the applicant has met the traditional requirements of a Special Use Permit, according to the Zoning Ordinance.

Mr. Scarpelli asked if there will be a tax exemption on the property if the Special Use Permit is granted. Mr. Barrows stated that they are a tax exempt institution. Mr. Denizard asked if they have a document that shows the tax exemption. Mr. Barrows stated that they do. Mr. Shekarchi stated that such documents are usually provided to the tax collector at the issuance of the certificate of occupancy. Mr. Juhr asked if they have articles of incorporation. Mr. Denizard stated he would like to see it. The applicant submitted a letter dated July 8, 2008 authorizing the application and intent to build the facility, which was read into the record and marked as exhibit P12. Mr. Denizard asked if there is a president of the congregation. Mr. Barrows stated that it has 3 directors that act with authority. Mr. Denizard stated that when their other property was sold, it was sold by the president. Mr. Shekarchi stated that if the sale goes through, all standards will be met.

The Chair called on attorney Charles Reilly, representing the abutters, to address the Board. Mr. Reilly asked Mr. Barrows to clarify the size of the congregation. Mr. Barrows stated that the current status is an average of 80 people at each meeting, with a high of 100. The weekday meetings usually have a slightly smaller number of attendees.

Mr. Reilly asked Mr. Pimental if there are any other uses for the property. Mr. Pimental stated that residential use is permitted. Mr. Reilly asked if residential use would result in the same parking requirements. Mr. Pimental stated that less parking would be necessary for residential use.

Mr. Reilly asked Mr. Desmond about the accidents in the area and how many were during the winter and daylight savings time. Mr. Desmond stated that he does not know the specifics, but that there were 2 near the proposed driveway (between Pine Street and Belcher Ave.). Mr. Reilly asked what the causes of the 2 accidents were. Mr. Desmond stated that one was a vehicle that hit a deer and the other was a vehicle that hit a pole. One was on wet pavement and there was one injury. Mr. Reilly asked about the numbers in the traffic study. Mr. Desmond stated that the figure of 54 cars was based on the calculation of 1.5 people per vehicle, based on 80% occupancy of the congregation. Mr. Reilly asked how many vehicles would be entering the site based on 100 people. Mr. Reilly stated there would be 66 cars. Mr. Reilly asked how many cars based on the 181 person capacity of the building. Mr. Desmond stated that there would be 120 cars. Mr. Reilly asked Mr. Desmond to estimate the stacking of cars using 120 cars. Mr. Desmond stated that the study had already doubled the cars in each direction, as they tried to look at the situation conservatively. He stated that there will probably never be an overlap of cars entering and exiting the site.

Mr. Reilly asked about the safe stopping distance at 45 mph and the conditions of the road considered in this distance. Mr. Desmond stated that it factors in wet pavement, but not ice and snow. However, he added that in ice and snow conditions, the traffic will be travelling at less than 45 mph. Mr. Reilly asked if there is a different stopping distance in the night than in the day. Mr. Desmond said no, because the headlights are able to be seen at night. He said that everything is taken into account in the national design standards. Mr. Reilly asked about the traffic count on p. 2 of the traffic impact study. Mr. Desmond stated that the number of 14,300 units per day was based on actual counts. Mr. Reilly stated that the DOT report lists the traffic count in that area as 15,300 per day. Mr. Reilly asked if they noticed any activity at the commercial property across the street from the site. Mr. Desmond stated that they did not. Mr. Reilly asked if trucks entering traffic require more time than cars. Mr. Desmond stated that typically they do. Mr. Reilly referred to Appendix A and asked about heavy vehicles. Mr. Desmond stated that heavy vehicles refer to trucks, and the stopping distance takes all vehicles into account. He stated that it would take trucks less than 425 ft. to complete a stop. The Chair asked Mr. Reilly where he got the figure of 15,300 vehicles per day in this area of Victory Highway. Bradford Sudol, abutter to the property, was sworn in by the court stenographer. He submitted copies of a state report on traffic volume, which was marked as exhibit R1. Mr. Juhr asked if Mr. Reilly consulted a traffic expert. Mr. Reilly said that he had not.

Mr. Reilly asked Mr. Bazzett how many lights would be present at the site and in the parking area. Mr. Bazzett consulted the plan and stated there will be 6 lights in the parking area and a small light for the sign. Mr. Reilly asked what the height of the lights will be. Mr. Bazzett stated that the lights will probably be between 12 and 15 feet high and the fence will be 6 feet high. Mr. Reilly asked about the provisions for snow removal at the site. Mr. Bazzett stated that it will be plowed to the detention basin; any sand runoff will be caught by the sediment forebay. There is an outlet control center and emergency provisions. Mr. Juhr asked if the outlet to the basin flows to the wetlands. Mr. Bazzett stated that the emergency spillway overflows to the east side wetland.

Mr. Reilly called his client Bradford Sudol, who lives at 1030 Victory Highway. His residence is the direct abutter to the right of the site. Mr. Sudol stated that he had pulled the maps submitted as R1 from the DOT website on July 15, 2008. He included with the map the phone numbers and names of the people he spoke to at the DOT. Mr. Sudol stated that the portion of Victory Highway near the site is one of the most heavily travelled parts of the roadway. Mr. Kearns asked about the number of 15,300 trips. Mr. Sudol stated that it refers to the vehicle count in a 24-hr. period, but he did not know what day of the week the study referred to. Mr. Sudol stated that looking at the site, his property is immediately to the left. He stated that he had taken photographs at 6:00 pm, from the proposed site. These 8

photographs, along with a brief narrative of the traffic concerns and other concerns, were submitted and marked as exhibit R2.

Mr. Scarpelli made a motion at 10:00 pm to extend the meeting to 10:15 pm in order for Mr. Sudol to complete his testimony. Mr. Naylor seconded the motion, with all in favor.

Mr. Sudol described the photographs that he submitted. One picture was taken from the spot of the proposed driveway of a person standing 425 feet down the road. The distance was measured with a rolling measuring device. Another photograph showed a person standing at the point of the stonewall at the driveway for 1070 Victory Highway. Mr. Sudol said that he used the applicant's plan, and measuring 425 feet down the road, he came to the middle of lot 143. He stated that from this point, looking back to the property, he could not see the site of the proposed driveway.

Mr. Sudol stated that the wetlands extend from the applicant's property to the back of Mr. Sudol's property. He submitted a photograph of the wetlands (marked as exhibit R3) that was taken in the spring. He stated that there is a seasonal swamp present and from January through the spring, it becomes very wet.

Mr. Naylor asked if Mr. Sudol was contesting the findings of the traffic impact study that the sight distance is 425 feet. Mr. Sudol stated that he finds the sight distance to be between 260 and 300 feet. He said

that 425 feet puts you going back down the hill. The Chair referred to the photographs in R2 and asked if the crest of the hill was at the second mailbox in the photo. Mr. Sudol said yes, it is at the property of Maria Pawlowski at 1070 Victory Highway.

Mr. Naylor made a motion to extend the meeting by 5 minutes at 10:15 pm. Mr. Scarpelli seconded the motion, with all in favor. The Board discussed a date for continuation of the application with the attorneys. Mr. Scarpelli made a motion to continue the hearing to August 19, 2008. Mr. Kearns seconded the motion, with all in favor. Mr. Rossi suggested that any residents wishing to speak for or against the application may want to pick a representative to speak for the group, in order to avoid repetitive testimony.

Mr. Naylor made a motion to adjourn at 10:20 pm. Mr. Scarpelli seconded the motion, with all in favor.